



***Town of Tyngsborough
Planning Board***
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 115

Tyngsborough Planning Board Meeting minutes September 15, 2005

Attachments:

1- Meeting Agenda. **APPROVED**

Members Present: Caryn DeCarteret, Vice Chairman
Mark Pease, Secretary
Steven Nocco, Treasurer
John Forti, NMCOG Liaison
Joyce Harrington, Clerk

Members Absent: Darryl Wickens, Chairman

7:02PM – Meeting called to order by M.Pease

7:05PM – Hearing Special Permit Ideal Properties, LLC – Atty John Gallant, Gallant and Ervin, LLC- **21 Progress Ave** – James Patierno

Mark Pease read the legal notice that appeared in the Lowell Sun on August 23 and August 30, 2005

Motion: S. Nocco to waive the reading of the abutters list
Second: C.DeCarteret
Carries

Atty John Gallant reviewed the following comments from Ross Associates with the Board.

1. The applicant is proposing a business use (personal services) in a Industrial District under the provisions of 4.10.00 Major Business Use.
J.G. Agreed that the applicant is proposing a personal service use in an industrial district under the provision of 4.10.00
2. The applicant must comply with the Town Sign Bylaw.

- J.G. The applicant intends to fully comply with the Town's sign by-laws with regard to the proposed use and it's application.*
3. The applicant must the Town Lighting Bylaw.
J.G. The applicant intends to comply with the Town lighting by-laws regarding the proposed use of this location. The lighting is identified and set forth in the site layout plans filed with the Board and the applicant contends that the lighting proposed complies with the requirements.
4. The proposed activity is within the 100' Buffer Zone and will require Conservation Approval.
J.G. The applicant has obtained approval from the Conservation Commission for all work proposed in this application.
5. The applicant did not provide any supporting evidence for drainage design.
J.G. The previous owner has previously obtained the approvals for this site pertaining to the construction of the building and drainage. All drainage calculations and environmental impacts have previously been reviewed and approved by the Board.
6. The applicant did not supply any data on traffic impacts.
J.G. The proposed use will not materially or adversely change the traffic on this roadway within 1,000 feet of the proposed project for several reasons. Several of the original 22 lots have merged, many of the remaining lots have merged and many of the remaining lots; approximately seven lots are undeveloped. Clearly the volume of traffic is well under capacity in this area and on this roadway more specifically. This proposed use will not increase traffic more than 25% above the current approved levels at any point more than 1,000 feet from the site and levels that have been previously been determined by this Planning Board.
7. The applicant should provide information to demonstrate compliance with zoning 4.10.21.2 (page82), Analysis of the consequences of the proposed development.
J.G. The applicant will address the consequences of the proposed development at the hearing.
8. The areas adjacent to the two parallel parking spaces should be provided with no parking signs or with landscaped islands to prevent additional vehicles from parallel parking and blocking the access/fire land around the building.
J.G. the applicant can place "NO PARKING" signs in these areas designated.

9. The applicant should provide Landscape plan prepared by a registered Landscape Architect.
J.G. The applicant in this project has previously requested and obtained an increase of the green span area from 15 feet to 25 feet and provided landscaping on the plan, which has been submitted with this application. As the building has not changed, the landscaping plan previously approved by the Board should be sufficient.
10. The applicant should provide a loading area in compliance with the regulations at the rear doorway labeled "delivery door".
J.G. The applicant can label the rear doorway : as requested.
11. The Board may want recommendations from the Fire Chief for locations of additional fire hydrants, none are proposed on the site plan.
J.G. The applicant has received recommendations from the fire chief for the location of additional fire hydrants, and the applicant has agreed to install the same.
12. The applicant should provide a Building Elevation Plan.
J.G. The applicant will submit herewith a copy of the building plans showing the building elevation.
13. The large "stripped" areas of the parking lot are likely to be utilized as additional spaces during peak business hours. Landscape islands would better control parking and reduce runoff to the storm water management system.
J.G. The applicant does not propose to change the striped areas to landscape islands, as the design has been specifically made to provide for easier access to emergency vehicles and fire apparatus to the front of the building.
14. The Board must find that the proposed use is (Zoning 1.16.14 page 6).
 - a. In harmony with the purpose and intent of the bylaw.
 - b. Will not be detrimental or injurious to the neighborhood.
 - c. Is appropriate for the site in question.
 - d. Complies with all applicable requirements of this Bylaw.In addition the Board may impose conditions, safeguards and limitations on the site, as it deems appropriate to protect the neighborhood or the Town. (Zoning 1.16.15 page 6).
15. The Major Business Complex has additional Decision Criteria and the Board must find that these criteria have been met prior to approval. These

are listed in zoning 4.10.30 items 1-3 (page 83), and include traffic and drainage issues.

J.G. (14 & 15) The applicant submits that the proposed use is in harmony with the purpose and intent of the bylaw. It clearly will not be detrimental or injurious to the neighborhood. It's appropriate for the site in question and is very desirable for the Town of Tyngsboro to have this use in this location. The site also complies with all other applicable requirements of the by-law.

Motion: S.Nocco to continue the public hearing until Oct 6, 2005 @ 8:05PM

Second: C.DeCarteret

Carries 4-Yes, 1-Absent

Administrative Special Permit Application: 1 Farwell Road – Atty John Gallant.

The Board signed the Special Permit Application. The hearing is scheduled for November 3, 2005 @ 7:05PM.

7:35PM Zoning Change 7 Farwell Road – Atty Peter Nicosia – Robert Frye

M.Pease read the legal notice that appeared in the Lowell Sun on September 1 and September 8, 2005.

Motion: S.Nocco to waive the reading of the abutters list

Second: J.Forti

Carries

The applicant seeks a zoning change from Residential (R-1) and Business (B-2) to Business (B-2).

There were many concerned citizens present who were not in favor of the Zoning change.

Bonnie Jean and Jim Butler 21 Farwell Road
Bruce Schofield 15 Farwell Road
Robert and Rosemarie Zusin 18 Farwell Road

Motion: S.Nocco to close the Public portion of the Hearing

Second: J.Forti

Carries: 4-Yes, 1-Absent

Motion: M.Pease to recommend to Town meeting to approve 7 Farwell Road from R1 and B2 to B2.

Second: C.DeCarteret

Carries: 3-No, 1-Yes, 1-Absent

8:05PM Zoning Change 9 Farwell Road – Attny Peter Nicosia – Robert Frye

M.Pease read the legal notice that appeared in the Lowell Sun on September 1 and September 8, 2005.

Motion: S.Nocco to waive the reading of the abutters list

Second: J.Forti

Carries

The applicant seeks a zoning change from Residential (R-1) and Business (B-2) to Business (B-2).

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Bonnie Jean and Jim Butler 21 Farwell Road
Bruce Schofield 15 Farwell Road
Robert and Rosemarie Zusin 18 Farwell Road

Motion: S.Nocco to close the Public portion of the Hearing

Second: J.Forti

Carries: 4-Yes, 1-Absent

Motion: M.Pease to recommend to Town meeting to approve 9 Farwell Road from R1 and B2 to B2.

Second: C.DeCarteret

Carries: 3-No, 1-Yes, 1-Absent

8:35PM Special Permit Center Stage Dance 3 Industrial Way

M.Pease opened the hearing 1986 Easement agreement will tie in all easements and will reconfirm the easements with the new owners. C.D. asked if there was a new plan the applicant replied yes. The new plan was reviewed with the Board. The parking requirements were met with the new plan. The Fire Chief and Building Commissioner both had

submitted letters to the Board stating that they had no further concerns with the newest plan.

Motion: S.Nocco to close the public portion of the hearing

Second: J.Forti

Carries

Motion: S.Nocco to approve the Special Permit for Center Stage Dance in accordance with the plan dated September 15, 2005 entitled 3 Industrial Way.

Second: J.Forti

Carries: 4-Yes. 1-Absent

Administrative 1 ANR application; Lot 7 Danforth Road – Matt Hamor

Mr.Hamor submitted an ANR application to the Board. Mr. Hamor would like to obtain more area. The Board signed the application. Mr.Hamor will come back in front of the Board on October 6,2005

Mr.Hamor filed a Special Permit application for 72 Progress Road. The applicant is proposing a two (2) building trade condominium complex. The Board signed the application and set the hearing date for November 3rd @ 7:35PM.

Administrative 2 Special Permit application: Washington Savings Bank – School Committee

Diana Keohane of the school committee came in front of the Board to discuss a zoning variance and special permit for the proposed student bank. The Board signed the application.

Later in the week the Board received a letter from David Hawkins Superintendent of Schools to withdraw its request for a zoning variance and Special Permit.

Administrative 4 Special Permit Application T.I.L.Q. – Walter Eriksen

Lot 4 Maple Ridge. Development

The Board signed the application and set the hearing date for November 3, 2005 @ 8:05PM

**Administrative 5 Special Permit application: Office Building
Middlesex Road** – Walter Eriksen

The Board signed the Special Permit application and set a hearing date for November 17, 2005 @ 7:05PM

Administrative 6 Informal Discussion: **168-168B Lakeview Ave** – Christine Andrade

Ms.Andrade had some questions pertaining 168-168B Lakeview Ave, there are 2 homes on one lot she wanted to know if she could sub divide this lot. The Board informed her to see Z.B.A.

Administrative 7 Approval of Minutes

There were no Minutes to approve

Administrative 8 Bills

There were no Bills to sign.

Motion: C.DeCarteret to adjourn at 10:20PM

Second: S.Nocco

Carries

Minutes taken and respectfully submitted by
Joyce M. Harrington - Planning Board Clerk

